

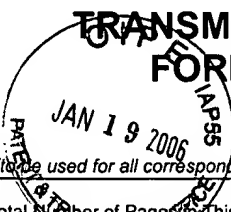
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PTO/SB/21 (09-04)

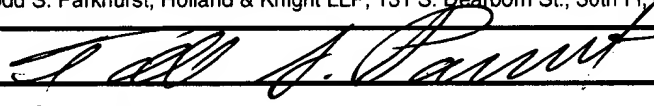
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	09/782,916
	Filing Date	February 13, 2001
	First Named Inventor	Dan Kikinis
	Art Unit	3196
	Examiner Name	Almis R. Jankus
Total Number of Pages in This Submission	Attorney Docket Number	091451.00131


ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Check in the amount of \$1500.00, Postcard Petition for Revival
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks The Commissioner is hereby authorized to charge any fees due or credit any overpayment to Deposit account No. 50-1794 CUSTOMER NO. 52940	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Todd S. Parkhurst, Holland & Knight LLP, 131 S. Dearborn St., 30th Fl, Chicago, Illinois 60603		
Signature			
Printed name	Todd S. Parkhurst		
Date	January 19, 2006	Reg. No.	26,494

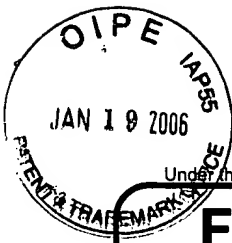
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Todd S. Parkhurst	Date	January 19, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1500.00

Complete if Known

Application Number	09/782,916
Filing Date	February 13, 2001
First Named Inventor	Dan Kikinis
Examiner Name	Almis R. Jankus
Art Unit	3196
Attorney Docket No.	091451.00131

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1794
Deposit Account Name: Holland & Knight LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X =
Independent Claims: -3** = X =
Multiple Dependent: =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	1500.00
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1500.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Todd S. Parkhurst	Registration No. (Attorney/Agent)	26,494	Telephone	312-578-6694
Signature		Date	January 19, 2006		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1 PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
2 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
3

Docket Number (Optional)

093044.00001

First named inventor: Dan Kikinis

Application No.: 09/782,916

Art Unit: 3196

Filed: February 13, 2001

Examiner: Almis R. Jankus

Title: A METHOD AND SYSTEM FOR LOCALIZED ADVERTISING USING LOCALIZED 3-D TEMPLATES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment B Accompanying RCE (identify type of reply):

☐ has been filed previously on November 8, 2005
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

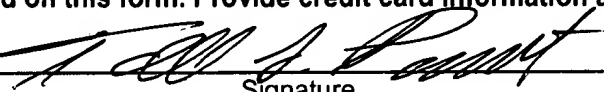
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

January 19, 2006

Date

Todd S. Parkhurst

26,494

Typed or printed name

Registration Number, if applicable

131 S. Dearborn Street, 30th Floor

312.578.6694

Address

Telephone Number

Chicago, IL 60603

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Postcard, Power of Attorney Forms, Assignment Documents and copy of Amendment B

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

January 19, 2006

Date


Signature

Todd S. Parkhurst

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/782,916 **Confirmation No.:** 8134
Applicant: Dan Kikinis
Filed: February 13, 2001
TC/A.U.: 3196
Examiner: Jankus, Almis R.
Docket No.: 091451/00131
Customer No.: 52940

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR 1.137(b)**

Mail Stop PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

In response to the Senior Petitions Attorney's decision (mailed on November 22, 2005) to dismiss Applicant's petition under 37 CFR 1.137(a) (mailed on November 8, 2005), Applicant hereby petitions to revive the above-referenced United State patent application and to accept a Response to Final Office Action (enclosed herewith) that was due on June 25, 2004 on the grounds that the application has become abandoned unintentionally.

The Applicant, by the undersigned attorney, avers that the entire delay in filing the required reply from the due date for the Final Office Action reply until filing this grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Pursuant to 37 CFR 1.17(m), enclosed herewith is a check in the amount of \$1,500.00 to cover the fee for reviving an unintentionally abandoned application.

Enclosed herewith is a copy of each of three recorded assignments evidencing the chain of title from:

- (1) Inventor Dan Kikinis to ISURFTV (July 23, 2001; REEL/FRAME: 011769/0164);
- (2) ISURFTV to ETALON SYSTEMS, INC. (January 21, 2004; REEL/FRAME: 014268/0480); and
- (3) ETALON SYSTEMS, INC. to EAGLE NEW MEDIA INVESTMENTS, LLC (January 28, 2004; REEL/FRAME: 014277/0607).

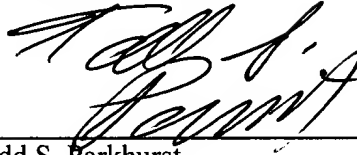
Also enclosed herewith is a copy of a Power of Attorney and Appointment of New Power of Attorney (executed by Mr. Mark Hianik, Assistant Secretary, Eagle New Media Investments, LLC); and the Notice of Acceptance of Power of Attorney mailed on August 3, 2005 from the USPTO.

Holland & Knight LLP became aware of the expiration of the term to response to the Final Office Action in late September 2005 when we learned from Examiner Jankus that the application was abandoned. The Final Office Action was mailed to Blakely, Sokoloff, Taylor & Zafman on March 25, 2004. We were not aware of any issued Office Action until late September 2005.

Blakely, Sokoloff, Taylor & Zafman had original responsibility for this application. Holland & Knight LLP took over this responsibility on, or about, July 1, 2005 per the enclosed Power of Attorney and Appointment of New Power of Attorney (executed by Mr. Mark Hianik, Assistant Secretary, Eagle New Media Investments, LLC); and the Notice of Acceptance of Power of Attorney mailed on August 3, 2005 from the USPTO. At no time did the owner of this application intend to abandon prosecution. This abandonment was completely unintentional.

Appl. No. 09/782,916
Petition. Dated January 19, 2006

Respectfully submitted,



Date: January 19, 2006

(Reg. #26,494)

Todd S. Parkhurst

HOLLAND & KNIGHT LLP

131 S. Dearborn, 30th Floor

Chicago, Illinois 60603

Tel: (312) 263-3600

Attorney for Applicant



Appl. No. 09/782,916
Petition. Dated January 19, 2006

CERTIFICATE OF MAILING

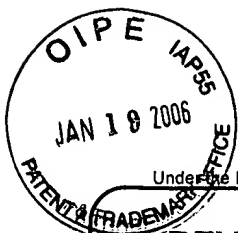
I hereby certify that this correspondence is being deposited with the United States
Postal Service as Express Mail on January 19, 2006 in an envelope addressed to:

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**



Attorney for Applicants

3515346_v1



PTO/SB/82 (06-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF
ATTORNEY and APPOINTMENT OF
NEW POWER OF ATTORNEY**

Application Number	09/782,916
Filing Date	February 13, 2001
First Named Inventor	Dan Kikinis
Art Unit	2614
Examiner Name	Unassigned
Attorney Docket Number	ISURFTV131

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners at Customer Number:

52940

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

52940

OR

☐ Firm or
Individual Name

Address

Address

City

Country

State

Zip

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name Mark W. Hianik, Assistant Secretary, Eagle New Media Investments, LLC

Signature

Date

Telephone

(312) 222-4303

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/782,916	02/13/2001	Dan Kikinis	ISURFTV131

52940
 TODD S. PARKHURST
 HOLLAND & KNIGHT LLP
 131 S. DEARBORN STREET
 30TH FLOOR
 CHICAGO, IL 60603

CONFIRMATION NO. 3196



OC000000016687386

Date Mailed: 08/03/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/01/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

FANAYE ASRAT
 SALLY (703) 305-0677

ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/782,916	02/13/2001	Dan Kikinis	004688.P019

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
 12400 Wilshire Boulevard, Seventh Floor
 Los Angeles, CA 90025-1026

CONFIRMATION NO. 3196



OC000000016687353

Date Mailed: 08/03/2005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

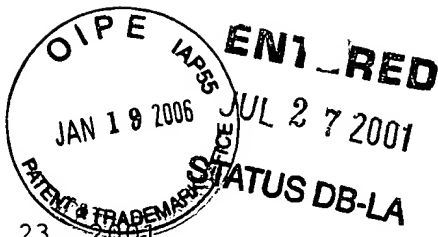
This is in response to the Power of Attorney filed 07/01/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



FANAYE ASRAT
 SALLY (703) 305-0677

NEW ATTORNEY/AGENT COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JULY 23, 2001

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
SANJEE K. DUTTA
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1026

RECEIVED
JUL 27 2001



101712501A

04688 P019
ISURFTV
JPW

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/03/2001

REEL/FRAME: 011769/0164
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
KIKINIS, DAN

DOC DATE: 04/25/2001

ASSIGNEE:
ISURFTV, CORPORATION OF CALIFORNIA
413 TASMAN DRIVE
SUNNYVALE, CALIFORNIA 94089-1706

SERIAL NUMBER: 09782916
PATENT NUMBER:

FILING DATE: 02/13/2001
ISSUE DATE:

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-10-2001

PATENT

MAY - 3 2001

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks : Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New
☐ Resubmission (Non- Recordation)

Document ID # _____

- ☐ Correction of PTO Error

Reel # _____ Frame # _____

- ☐ Corrective Document

Reel # _____ Frame # _____

Attorney Docket No: 004688.P019

Conveyance Type

- ☒ Assignment ☐ Security Agreement
☐ License ☐ Change of Name
☐ Merger ☐ Other _____

U.S. Government

(For Use ONLY by U.S. Government Agencies)

☐ Departmental File ☐ Secret File

Conveying Party (ies)

☒ Mark if additional names of conveying parties attachedExecution Date
Month Day Year
04252001

Name (1st party) Kikinis, Dan

Name (2nd party) _____

Name (3rd party) _____

Name (4th party) _____

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) Isurftv

Name (line 2) Corporation of California

Address (line 1) 413 Tasman Drive

Address (line 2) _____

Address (line 3) Sunnyvale

California

94089-1706

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

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Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number (408) 720-8300

Name Sanjeet K. Dutta

Address (line 1) BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Address (line 2) 12400 Wilshire Boulevard, Seventh Floor,

Address (line 3) Los Angeles, CA 90025-1026

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document.

2

Application Number (s) or Patent Number (s)

☐

Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number (s)

09/782,916

Patent Number (s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a
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PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:

Deposit Account

Enclosed ☒Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 02-2666

Authorization to charge additional fees:

Yes ☒No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Sanjeet K. Dutta

46,145

Sanjeet Dutta

4/30/01

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Registration No.

Signature

Date

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Attorney's Docket

ASSIGNMENT

PATENT

No.: 004688.P019 (For Execution After Filing Patent Application)

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned, Dan Kikinis, hereby sell, assign, and transfer to Isurftv a corporation of California, having a principal place of business at 413 Tasman Drive, Sunnyvale, CA 94089-1706, ("Assignee"), and its successors, assigns, and legal representatives, the entire right, title, and interest for the United States and all foreign countries, in and to any and all improvements that are disclosed in the application for the United States patent that was filed February 13, 2001, and assigned Application No. 09/782,916 and is entitled

A METHOD AND SYSTEM FOR LOCALIZED ADVERTISING USING LOCALIZED 3-D TEMPLATES

and in and to said application and all divisional applications, continuation applications, continued prosecution applications, continuation-in-part applications, substitute applications, renewal applications, reissue applications, reexaminations, extensions, and all other patent applications that have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original patents, reissued patents, reexamination certificates, and extensions that have been or shall be issued in the United States and all foreign countries on said improvements; and in and to all rights of priority resulting from the filing of said United States application;

agree that said Assignee may apply for and receive a patent or patents for said improvements in its own name; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns, and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional applications, continuation applications, continued prosecution applications, continuation-in-part applications, substitute applications, renewal applications, reissue applications, reexaminations, extensions, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney, and other papers; communicate to said Assignee, its successors, assigns, and representatives all facts known to the undersigned relating to said improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or representatives in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements, and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns, and legal representatives; and

covenant with said Assignee, its successors, assigns, and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: 4/25, 20 06


Name: **Dan Kikinis**

Date: _____, 20 ____

Name: _____

Date: _____, 20 ____

Name: _____

Date: _____, 20 ____

Name: _____

Date: _____, 20 ____

Name: _____

Date: _____, 20 ____

Name: _____

State of: _____ }

County of: _____ }

SS.

Assignment Document Return Address:

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Los Angeles, California 90025-1026

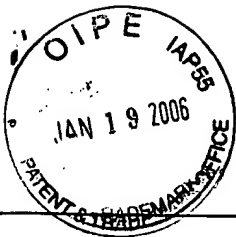
(408) 720-8598

On this _____ day of _____, 20 __, before me, _____,
the undersigned Notary Public, personally appeared _____

☐ personally known to me ☐ proved to me on the basis of satisfactory evidence to
be the person(s) whose name(s) subscribed to the within instrument, and
acknowledged that executed it.

WITNESS my hand and official seal.

Notary's Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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JANUARY 21, 2004

PTAS



102508126A

HOLLAND & KNIGHT LLC
ROBERT J. DEPKE
131 SOUTH DEARBORN, 30TH FLOOR
CHICAGO, IL 60603

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RECORDATION DATE: 07/18/2003

REEL/FRAME: 014268/0480
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ISURFTV

DOC DATE: 07/03/2003

ASSIGNEE:
ETALON SYSTEMS, INC.
413 TASMAN DRIVE
SUNNYVALE, CALIFORNIA 94089

SERIAL NUMBER: 09854334
PATENT NUMBER:

FILING DATE: 05/11/2001
ISSUE DATE:

SERIAL NUMBER: 09854339
PATENT NUMBER:

FILING DATE: 05/11/2001
ISSUE DATE:

SERIAL NUMBER: 09783886
PATENT NUMBER:

FILING DATE: 02/14/2001
ISSUE DATE:

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FILING DATE: 02/13/2001
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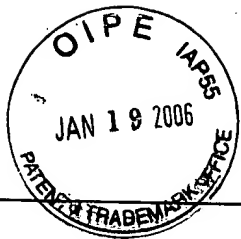
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SERIAL NUMBER: 09374876	FILING DATE: 08/16/1999
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SERIAL NUMBER: 09398568	FILING DATE: 09/16/1999
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PATENT NUMBER: 6570586	ISSUE DATE: 05/27/2003
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SERIAL NUMBER: 08825209	FILING DATE: 03/27/1997
PATENT NUMBER: 6205485	ISSUE DATE: 03/20/2001

014268/0480 PAGE 6

SERIAL NUMBER: 10004737
PATENT NUMBER: 6525728

FILING DATE: 12/04/2001
ISSUE DATE: 02/25/2003

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 28, 2004

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102508279A

HOLLAND & KNIGHT LLC
ROBERT J. DEPKE
131 SOUTH DEARBORN, 20TH FLOOR
CHICAGO, IL 60603

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RECORDATION DATE: 07/18/2003

REEL/FRAME: 014277/0607
NUMBER OF PAGES: 21

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ETALON SYSTEMS, INC.

DOC DATE: 07/14/2003

ASSIGNEE:
EAGLE NEW MEDIA INVESTMENTS, LLC
C/O TRIBUNE MEDIA SERVICES, INC.
435 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60611

SERIAL NUMBER: 09854334
PATENT NUMBER:

FILING DATE: 05/11/2001
ISSUE DATE:

SERIAL NUMBER: 09854339
PATENT NUMBER:

FILING DATE: 05/11/2001
ISSUE DATE:

SERIAL NUMBER: 09783886
PATENT NUMBER:

FILING DATE: 02/14/2001
ISSUE DATE:



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1. Name of conveying party(ies):
ISURFTV

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Corrected Change of Name to correct
serial numbers Previously Recorded on
7/18/03 REEL/FRAME: 014268/0480

Execution Date: _____

2. Name and address of receiving party(ies)

Name: Etalon Systems, Inc.

Internal Address: _____

Street Address: 413 Tasman Drive

City: Sunnyvale State: CA Zip: 94089

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/733,806

09/733,771

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert J. Depke

Internal Address: Holland & Knight LLP

Street Address: 131 South Dearborn Street

30th Floor

City: Chicago State: IL Zip: 60603

6. Total number of applications and patents involved: 2

7. Total fee (37 CFR 3.41).....\$ 80.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

50-1794

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Robert J. Depke

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: 11

SERIAL NUMBER: 09783932
PATENT NUMBER:

FILING DATE: 02/14/2001
ISSUE DATE:

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PATENT NUMBER:

FILING DATE: 04/27/2001
ISSUE DATE:

SERIAL NUMBER: 09858762
PATENT NUMBER:

FILING DATE: 05/15/2001
ISSUE DATE:

SERIAL NUMBER: 09875546
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FILING DATE: 06/05/2001
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ISSUE DATE:

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PATENT NUMBER:

FILING DATE: 06/05/2001
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SERIAL NUMBER: 09947286
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FILING DATE: 09/05/2001
ISSUE DATE:

SERIAL NUMBER: 09733824
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FILING DATE: 12/08/2000
ISSUE DATE:

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PATENT NUMBER:

FILING DATE: 07/19/2001
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SERIAL NUMBER: 09782896
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SERIAL NUMBER: 09417991	FILING DATE: 10/13/1999
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JEFFREY OLSEN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/782,916

Confirmation No.: 3196

Applicant: Dan Kikinis
Filed: February 13, 2001
TC/A.U.: 2671
Examiner: Almis R Jankus
Docket No.: 091451.00131
Customer No.: 52940

AMENDMENT B ACCOMPANYING RCE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

In response to the Office Action dated March 25, 2004, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for providing enhanced advertising of a 2-D video broadcast, comprising:
 - receiving the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image[[,]] and one or more 3-D shapes of text;
 - generating a 3-D highlighted image from the 2-D image using a 3-D image and an image processor at the viewer's system;
 - applying the 3-D shapes of text to the 3-D highlighted image to generate a localized 3-D highlighted image; and
 - displaying the localized 3-D highlighted image to a specific viewer.
2. (Original) The method according to claim 1, wherein applying the 3-D shapes of text comprises:
 - using the 3-D shapes of text as a template; and
 - cutting the 3-D highlighted image around the template.
3. (Original) The method according to claim 2, wherein applying the 3-D shapes of text further comprises displaying a color to contrast the 3-D highlighted image.
4. (Original) The method according to claim 1, wherein applying the 3-D shapes of text further comprises embossing the 3-D shapes of text within the 3-D highlighted image.
5. (Original) The method according to claim 1, wherein applying the 3-D shapes of text further comprises raising the 3-D shapes of text above the 3-D highlighted image.
6. (Original) The method according to claim 1, further comprising selecting a specific 3-D shapes of text for the specific viewer.

7. (Currently Amended) A system for providing enhanced advertising of a 2-D video broadcast, comprising:

means for receiving the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image, and one or more 3-D shapes of text;

means at a viewer's system for generating a 3-D highlighted image from the 2-D image ;

means for applying the 3-D shapes of text to the 3-D highlighted image to generate a localized 3-D highlighted image; and

means for displaying the localized 3-D highlighted image to a specific viewer.

8. (Original) The system according to claim 7, wherein the means for applying the 3-D shapes of text comprises:

means for using the 3-D shapes of text as a template; and

means for cutting the 3-D highlighted image around the template.

9. (Original) The system according to claim 8, wherein the means for applying the 3-D shapes of text further comprises means for displaying a color to contrast the 3-D highlighted image.

10. (Original) The system according to claim 7, wherein the means for applying the 3-D shapes of text further comprises means for embossing the 3-D shapes of text within the 3-D highlighted image.

11. (Original) The system according to claim 7, wherein the means for applying the 3-D shapes of text further comprises means for raising the 3-D shapes of text above the 3-D highlighted image.

12. (Original) The system according to claim 7, further comprising means for selecting a specific 3-D shapes of text for the specific viewer.

13. (Currently Amended) A computer-readable medium having stored thereon a plurality of instructions for providing enhanced advertising of a 2-D video broadcast, said plurality of instructions when executed by a computer, cause said computer to perform:
receiving the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image, and one or more 3-D shapes of text;
generating a 3-D highlighted image from the 2-D image using an image processor at a viewer's system;
applying the 3-D shapes of text to the 3-D highlighted image to generate a localized 3-D highlighted image; and
displaying the localized 3-D highlighted image to a specific viewer.

14. (Original) The computer-readable medium of claim 13 having stored thereon additional instructions, said additional instructions when executed by a computer for applying the 3-D shapes of text, cause said computer to further perform:
using the 3-D shapes of text as a template; and
cutting the 3-D highlighted image around the template.

15. (Original) The computer-readable medium of claim 14 having stored thereon additional instructions, said additional instructions when executed by a computer for applying the 3-D shapes of text, cause said computer to further perform displaying a color to contrast the 3-D highlighted image.

16. (Original) The computer-readable medium of claim 13 having stored thereon additional instructions, said additional instructions when executed by a computer for applying the 3-D shapes of text, cause said computer to further perform embossing the 3-D shapes of text within the 3-D highlighted image.

17. (Original) The computer-readable medium of claim 13 having stored thereon additional instructions, said additional instructions when executed by a computer for applying the 3-D shapes of text, cause said computer to further perform raising the 3-D shapes of text above the 3-D highlighted image.

18. (Original) The computer readable medium according to claim 13, having stored thereon additional instructions, said additional instructions when executed by a computer, cause said computer to further perform selecting a specific 3-D shapes of text for the specific viewer.

19. (Currently Amended) A set top box for generating 3-D enhanced advertising from 2-D video broadcasts, comprising:
a processor coupled to a bus; and
a storage device coupled to the bus, wherein the storage device is configured to store instructions executed by the processor;
wherein the processor receives the 2-D video broadcast, wherein the 2-D video broadcast comprises a 2-D advertisement containing a 2-D image, a unique identifier associated with said 2-D image and one or more 3-D shapes of text; generates a 3-D highlighted image from the 2-D image at a viewer's system based on said unique identifier; applies the 3-D shapes of text to the 3-D highlighted image to generate a localized 3-D highlighted image; and displays the localized 3-D highlighted image to a specific viewer.

20. (Original) The set top box of claim 19, wherein the processor uses the 3-D shapes of text as a template; and cuts the 3-D highlighted image around the template.

21. (Original) The set top box of claim 20 wherein the processor displays a color to contrast the 3-D highlighted image.

22. (Original) The set top box of claim 19, wherein the processor embosses the 3-D shapes of text within the 3-D highlighted image.

23. (Original) The set top box of claim 19, wherein the processor raises the 3-D shapes of text above the 3-D highlighted image.

24. (Original) The set top box of claim 19, wherein the processor selects a specific 3-D shapes of text for the specific viewer.

REMARKS

Applicants respectfully request consideration of this Response to the final Office Action dated March 25, 2004. Applicants have filed a Petition to Revive for Unavoidable delay because the Applicants never received the final Office Action. According to the USPTO record the final Office Action was mailed to previous counsel despite the presence of a new power of attorney. Applicants did not become aware of the final Office Action until a Notice of Abandonment was issued. Consequently, Applicants have filed a Petition to Revive along with this Response.

Applicants respectfully request reconsideration of Examiner's rejection under 35 U.S.C. §103(a). The Applicants' presently claimed invention recites generating a 3-D highlighted image using an image processor at a viewer's location. The prior art of record fails to teach or suggest either the localization of video data or the implementation of 3-D images as presently claimed. Further, the prior art fails to teach the implementation of 3-D images as presently claimed in Applicant's patent.

Examiner has rejected the claims over *Rosser et al.*, U.S. Patent No. 5,264,933, and *Rosser*, U.S. Patent No. 6,446,261. Examiner claims that *Rosser et al.* teaches Applicant's invention at the abstract and at Column 8 lines 37-43 and lines 52-58. However, *Rosser et al.* fails to teach or suggest Applicant's claimed invention in either those three sections, or in the rest of their disclosure. *Rosser et al.* discloses overlaying an image (i.e., and advertiser's logo) over a specified area of a video image, for example, a portion of a tennis court. This video processing is entirely done by the Television studios before the video stream is broadcast out to viewers, and the video processing is only accomplished through the use of 2-D images and overlays. Applicant's presently claimed invention, however, utilizes an image

processor or other means located in a localized device such as a set-top box located at the viewer's television to generate a 3-D highlighted image from the 2-D image. This allows for advertising data to be customized to the specific viewer, area, or demographic. Further, Applicant's invention involves the use of 3-D technologies in order to create a higher quality localized advertisement. More specifically, Applicant's invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer. This technology is neither taught, nor suggested in *Rosser et al.*

Rosser discloses the localization of video data, however, it does not disclose the advantageous use of 3-D image data. Applicant's invention involves the use of 3-D technologies in order to create a higher quality localized advertisement. More specifically, Applicant's invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer. This technology is neither taught, nor suggested in *Rosser*, and includes a significant and non-trivial improvement on that technology. For example, information about a soda bottle can be extracted from the 2-D image and a 3-D highlighted image is generated using the information to allow further customization based on the transmitted 3-D text and shapes. As a result, *Rosser* neither teaches nor suggests Applicants' presently claimed invention.

Further, Applicants' presently claimed invention sets forth independent claims distinct and allowable in light of the prior art. Therefore, all dependent claims also stand in condition for allowance.

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Accordingly, Applicant's invention is patentability distinct over the art of record. In light of the foregoing, Applicant respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,

Date:

Nov 8, 2005



(Reg. #26,494)

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail on November 8, 2005 in an envelope addressed to:

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